

11.7.1 Planning Commission Review of Staff Determinations

- A. Applicability – When the Planning Director, Director of Works or Local Building Official is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than fourteen (14) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within fourteen (14) calendar days shall not be subject to further administrative review or appeal.
- B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.
- C. Delegation to Committee – The Planning Commission may delegate the authority to consider and take final actions on appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission.

11.7.2 Planning Commission Review of Committee Determinations

- A. Applicability – When a committee of the Planning Commission takes action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal with the Department of Planning and Design Services no later than fourteen (14) calendar days after the date of the action. All committee actions which have not been appealed to the Planning Commission within fourteen (14) calendar days shall not be subject to further administrative review or appeal.
- B. Notice – Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier adjoining property owners at least ten (10) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

11.7.3 Board of Zoning Adjustment Review of Staff Determinations

- A. Applicability – Pursuant to KRS 100.257 and 100.261, the Board of Zoning Adjustment, shall hear appeals of determinations in the following areas:
 - 1. Written interpretations of the provisions of this code;
 - 2. An official action, order, requirement, interpretation, grant, refusal or decision of an administrative official, zoning enforcement officer or code enforcement officer.
- B. Procedure for Appeal
 - 1. Application Required – Appeals shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing an Application for appeal in accordance with this Part. Applications for appeal shall be submitted on forms supplied by Planning and Design Services. Applications shall be signed by the person(s) seeking review of the staff determination or by their designated agent(s). Applications shall be

accompanied by supporting materials determined appropriate by the Planning Director and by the appropriate fee.

2. Notice - Notice of the public hearing on the appeal shall be given in accordance with KRS Chapter 100.

11.7.4 Technical Review Committee Determinations

Actions of the Technical Review Committee regarding subdivision applications and other determinations may be appealed to the Land Development and Transportation Committee of the Planning Commission in accordance with the procedures established in Chapter 7 (Subdivision Regulations) of this code.

11.7.5 Legislative Body Review of Commission Action on Development Plans

- A. Applicability – Planning Commission approval or denial of any plan certain development plan or amendment to any plan certain development plan, including an amendment to a binding element of a plan certain development plan may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review may be, but is not required to be, conducted as a public hearing.
- B. Initiation of Review - The owner(s) of the subject property or any aggrieved party may request a review by the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within thirty (30) calendar days after the date the Planning Commission took action to approve or deny said development plan or amendment to binding element amendment. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.
- C. Determination of Whether Review is Warranted – If a letter requesting legislative body review is timely submitted by the owner(s) of the subject property or any aggrieved party, the legislative body shall determine whether a review of the Planning Commission's action is warranted within thirty (30) days of the date the legislative body receives the letter requesting review. If the legislative body fails to make a decision on whether to review the Planning Commission's action within said thirty-day period, the legislative body shall be deemed to have determined not to review the Planning Commission's action, and no further review by the legislative body may occur.
- D. Notice – If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following in writing of the date, time, and place that the review will be conducted, and of the right of the public to inspect the subject plans in the office of Planning and Design Services, and, if a public hearing will be held, the right of the public to comment at the public hearing on the proposed development:

1. The Planning Commission

2. All parties of record to any Planning Commission or Committee hearing or meeting previously held regarding the subject plan; and
 3. All first and second tier adjoining property owners and registered neighborhood groups.
- E. Public Hearing – If the legislative body decides to conduct a public hearing on the development plan, the public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate. If a public hearing is not held by the legislative body, the legislative body shall confine its review to the information that was presented to the Planning Commission or Committee thereof.
- F. Legislative Action – The legislative body shall complete its review within ninety (90) days after it adopts the resolution granting the review. The legislative body may uphold, modify, or overturn the Planning Commission's decision, and may place conditions or binding elements the legislative body deems appropriate. Alternatively, the legislative body may remand the matter to the Planning Commission for further review. All resolutions and ordinances adopted by the legislative body on the matter shall be forwarded by the legislative body to the Planning Commission.

11.7.6 Judicial Review

Judicial review shall be taken in accordance with the provisions of KRS Chapter 100.